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Notice of Allowability	Application No.	Applicant(s)	
	10/502,524	KOSTERS ET AL.	
	Examiner	Art Unit	
	Hargobind S. Sawhney	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment and the application filed on July 26, 2005.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. The preliminary amendment filed on July 26, 2004 has been entered.

Accordingly, Claim 5 has been amended.

2. Claims 1-11 are allowed.

The prior art of record, including Kreeft (US Patent No.: 5,908,234) and Felland (US Patent No.: 5,570,947), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a luminaire combining:

- a lamella, a lamina or plate structure, positioned transversely between two reflector bodies disposed on either side of, and along a plane of symmetry as recited in Claim 1; and
- the lamella including its outer edge- the edge facing the light emission plane- extending and diverging from its inner edge – the edge opposing the outer edge- on either side of the plane of symmetry as recited in Claim 1.

The above-indicated combination and a typical configuration, including a plate-like structure, lamella, arrange between the reflectors bodies arranged on each side of the plane of symmetry, makes this invention unique.

Kreeft ('234) discloses a luminaire including a lamella meeting most of the limitations Claim 1, However, the lamella discloses by Kreeft ('234) extends beyond the outer curved surface of each of the reflector bodies arranged on each side of the plane

of symmetry of the device. Thus, Kreeft ('234) does not meet the limitation "positioned transversely between two reflector bodies" of the independent Claim 1.

Felland ('947) discloses a luminaire including a lamella, a lamina or plate structure, positioned transversely between two reflector bodies disposed on either side of, and along a plane of symmetry, However, Felland ('947) does not teach its outer edge- the edge facing the light emission plane- extending and diverging from its inner edge – the edge on either side of the plane of symmetry. Therefore, Felland ('947) does not meet the limitations of the independent Claim 1.

Therefore, Claim 1 is allowed over prior art.

Claims 2-11 are necessarily allowed because of their dependency on the allowed base Claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bartenbach (U.S. Patent No. 6,582,099 B2), Holten (U.S. Patent No. 6,220,729 B2), Holten (U.S. Patent No. 5,944,411) and Holten et al. (U.S. Patent No. 5,758,954)

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
12/26/2005


ALI ALAVI
PRIMARY EXAMINER